

**Minutes of Meeting
Parks & Waterways
July 16, 2019
11:00 a.m.**

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda item. Also present were Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder, Civil Deputy Prosecuting Attorney Jamila Holmes and Deputy Clerk Tina Ginorio. Also present were Waterways Advisory Board Members Doug Harris and Ray Bradley, Camp White Director Linda Alexander, Blackwell Island RV Park Representative Anne C. F. Hall and Kootenai County Residents Robert R. Stiger, Susan Stiger, Doug Parker, Mark E. Hall, Jim Stafford, Bethany Derrough, Lee Derrough, Avis Stafford, Ronald Griffin and Coeur d'Alene Press Reporter Brian Walker.

- A. **Call to Order:** Chairman Chris Fillios called the meeting to order at 11:04 a.m.
- B. **Changes to the Agenda (Action):** There were no changes to the agenda.
- C. **Business:**

Updates Regarding Current Parks & Waterways/Enforcement Options for KC Waterways (Discussion)

Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder explained the purpose of the meeting was to discuss the current State and County statues regarding boat wakes, damage to property, injury to persons and what KCSO felt would be reasonable standards and essential tools needed for enforcement.

Kootenai County Residents Tyler Ettner and Pat Green entered the meeting at 11:06 a.m.

KCSO Lieutenant Ryan Higgins and KCSO Sergeant William Klinkefus entered the meeting at 11:06 a.m.

Sergeant Klinkefus referenced Idaho Code 67-7016, that stated a boater was responsible for the boat's wake and any damage it might cause. He said this was a very subjectively worded code and was very difficult to enforce due to the need to assign responsibility for damage or injury to a particular boat's wake when there were many boats present. Sergeant Klinkefus added that Idaho Code also addressed negligent operation of a boat, but said this was also difficult to enforce for the same reasons.

Sergeant Klinkefus said County Ordinances specified distances that a boat must maintain from shorelines, docks and other vessels when moving at certain speeds.

- On the Spokane River, if moving more than 15 mph, a boat must stay at least 100 feet from any shoreline, dock or other, similar objects in the water.
- If closer than 100 feet, the boat must move at idling speed and create no wake.
- Boats must remain at least 50 feet away from other vessels when moving over 15 mph.

- On Lake Coeur d'Alene, a boat must remain at least two hundred feet from shore if traveling over 15 mph.

He said these rules were enforceable by trained deputies but boaters often were not able to estimate distances with accuracy.

Sergeant Klinkefus said another problem was that people reporting complaints often could not give detailed enough identification of a boat that was operated improperly so the deputies could not determine whom to contact. He suggested that citizens use their cellphones to document behavior and get images that showed bow numbers and could be used to positively identify the vessel. He said the Deputies might not be able to issue a citation, but they could speak to the operator and offer some education.

Chairman Fillios asked if any technology existed that could be used to measure wake height from a distance. Sergeant Klinkefus said there were none of which he was aware. He added, however, that there were many situations in which deputies were called upon to make good-faith assessments or estimates and this was supported by the courts. He suggested that might be sufficient in these cases as well.

Commissioner Bill Brooks asserted that some technology must exist that could be adapted to this need and that creative solutions needed to be found.

Commissioner Leslie Duncan reported she had spent about six hours on the Spokane River over two weekends and had noticed that when she was on the Sheriff's boat, people behaved more appropriately than when no official craft were visible. She verified the observation that many different classes of boats threw off problematic wakes, in large part because people did not follow speed limits. Commissioner Duncan said she felt additional laws were not needed; increased presence and enforcement was. She suggested Kootenai County, the City of Coeur d'Alene and the City of Post Falls cooperate to increase the number of Marine Deputies on the water, especially at times of peak use.

Sergeant Klinkefus reported that KCSO has encouraged both Patrol and Jail Deputies to assist with Marine Patrol duties as overtime hours, but this had not proven to be enough.

Chairman Fillios asked whether the County had the funding for a full twelve Marine Deputies even though only six were currently employed. Mr. Snyder confirmed this. KCSO Lieutenant Ryan Higgins said that any certified peace officer could be enrolled in the two-week training at the Marine Academy and begin service much more quickly than any new hire to the department. Mr. Snyder voiced his support for Commissioner Duncan's proposal.

Chairman Fillios warned that, if the additional enforcement efforts failed, the BOCC might have no choice but to ban certain activities on the river completely. He acknowledged this was not a desirable solution but said there might be no other option.

Chairman Fillios noted that, when boaters were given citations, judges set the fines. He speculated that increasing the fines might make certain groups of boaters more attentive to ordinances. Civil Deputy Prosecuting Attorney Jamila Holmes said that the BOCC had

a great deal of flexibility in placing limits on use of County waters, but the problem would still remain of tying a specific boat's wake to an incidence of damage and proving it beyond a reasonable doubt.

Commissioner Brooks suggested the County only impose a five-dollar fine for violations, but attach a requirement that the person attend an expensive boating education class purposely held on a Saturday. He said that might prove to be a better deterrent.

Sergeant Klinkefus reported that these same problems had been experienced across the nation; a typical response had been to increase the distances boats were required to maintain from shore.

Mr. Snyder pointed out that, while the recent discussions have focused on the Spokane River, the Board should also consider these issues in relation to the other bodies of water in the County.

Chairman Fillios said he agreed with Mr. Snyder's point, but the Spokane River's problem was the most urgent right now. He said the focus needed to be on wake height, volume and speed of traffic on the river, and the dangers posed to people and property. He stated he felt increased enforcement was the right first step; he hoped they could double the marine enforcement personnel quickly through a partnership with Coeur d'Alene and Post Falls. He commented they might also consider requiring higher registration fees for out-of-town boaters. The other Commissioners expressed general agreement with his remarks.

- D. Public Comment (Discussion):** This section is reserved for citizens wishing to address the Board regarding a County-related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing.

Linda Alexander stated she was the Director of Camp White, located at the widest part of the Spokane River. She said they witness many examples of excessive speed and reckless behavior. Ms. Alexander complained that everyone had been required to remove their buoys from the river, but new official ones had not yet been placed. She said she felt the County was at fault for this.

Jim Stafford, of 4699 West Mill River Court, stated he belonged to the group River Friends 2019. He agreed that additional enforcement was a good step, but stated that the County must develop some way to measure wake height and enforce limitations. He remarked that he had previously spoken to Lieutenant Higgins and Sergeant Klinkefus and had been told his own suggestions on this were enforceable. Mr. Stafford encouraged enacting rules that would encourage boaters creating enhanced wakes to move out on to Lake Coeur d'Alene.

Robert R. Stiger, 11831 West Riverview Drive, Post Falls, drew attention to County Code, Title 6, Public Properties and Waterways, Chapter 2, County Parks and Waterways, Section 6-2-4, Vessel Operation, Paragraph C3, which stated, "during day or night no

boater driven watercraft shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.” He demanded enforcement of that law.

Doug Parker, 11976 Span Way, Post Falls, voiced his agreement with Mr. Stiger’s points. He said he wanted to see stronger enforcement efforts, with citations issued.

Pat Green, from Tobler Marina, said the quick increase in population in Kootenai County was the root cause of the problems. He remarked that he often advises customers to stay off the river. Mr. Green added that offering some education to property owners along the shore about types of docks and boat that were designed for high traffic areas could help.

Ray Bradley, of 351 South Hidden Island Lane and Waterways Advisory Board Member stated that anyone being towed on the river was at risk. He said all boaters exhibit similar behavior when towing someone, like making quick turns to pick up someone who fell. He suggested that towing be limited on weekends and holidays. Mr. Bradley added that the elimination of towing on the river would solve much of the problem.

Susan Stiger, of 11831 West Riverview Drive, Post Falls agreed that the elimination of towing on the river would make a good start on the problem, but the ordinance would have to be worded to include people wake surfing who were not physically connected to the boat. She said that elimination of extreme turn-around maneuvers should also be included. She urged the Commissioners to examine what steps had been taken in other jurisdictions and build on those. Ms. Stiger also commented that enforcement of wake height should not be abandoned as impossible. She suggested that deputies could focus on extreme cases; it was not hard to distinguish between a one-foot wake and a three-foot wake.

Mr. Snyder pointed out that IDL (Idaho Department of Lands) had jurisdiction over buoys and markers in the Spokane River and it was that entity which had required personal markers to be removed, not Kootenai County. He stressed that IDL had been enforcing State law, not a County ordinance.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 12:03 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
